IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C). No.20835 of 2013

Dibakar Rout .... ***Petitioner***
None

-versus-

Branch Manager, UCO Bank, Debhog Branch, Balasore .... ***Opposite Party***

Mr.Subrata Kumar Mohanty,
Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
20.05.2022

Order No.

5. **1.** This matter is taken up by virtual/physical mode.

2. The Petitioner has prayed for issuance of direction to the Opposite Party for furnishing statement of account relating to disbursal of loan amount against pension in his Savings Bank Account No. 17550100003615 maintained at UCO Bank, Debhog Branch, Balasore.

3. This Court had issued notice to the Opposite Party-Bank vide order dated 23rd September, 2013 with the following interim order:-

> *"xxx xxx xxx xxx*
>
> *As an interim measure, this Court directs that no coercive action shall be taken against the petitioner pursuant to Annexure-2 till 5.11.2013 subject to the petitioner depositing a sum of Rs.30,000/- (thirty thousand) with the bank in two equal installments. The first installment shall be deposited by 15.10.2013 and the second by 15.11.2013."*

4. Pursuant to said order, the Opposite Party has filed counter affidavit, wherein at para-2 it has been stated that the Petitioner had made an application for loan for an amount of Rs.60,000/- under "UCO PENSIONER" on 24th March, 2011, considering which the Opposite Party-Bank sanctioned Rs.53,000/- on the very same day against Primary Security of Petitioner's monthly pension credited to his savings bank account in the aforesaid branch. It is also stated that earlier to the said loan, the Petitioner had also availed another pension loan bearing Account No. 17550601900121 for an amount of Rs.80,000/- which is said to have been closed on 29th November, 2013. It is alleged by the opposite party that though the petitioner executed an irrevocable Letter of Authority on 24.03.2011 in terms of sanction of the current pension loan bearing Account No.17550610003312, authorizing the bank to debit savings bank account bearing No.17550100003615 towards the monthly instalment of the loan agreed to be repaid in 24 equated monthly instalments, the Petitioner maintained the savings bank account with insufficient fund. As a result of which the outstanding dues stood at Rs.37,035/- as on 4th August, 2014.

5. When the matter is taken up today, none appeared for the Petitioner.

6. Mr. Subrata Kumar Mohanty, counsel appearing for the Opposite Party-Bank submits that in view of the fact that for months together the bank could not deduct equated loan instalment as agreed to by the petitioner, as he kept insufficient fund in his account, the Bank is liable to recover the loan amount from the Petitioner.

7. This matter has been pending since 2013 and by efflux of time, the cause of action seems to have been rendered infructuous.

8. Accordingly, the writ petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Aks May 20, 2022 Cuttack